

SUPREME COURT OF THE STATE OF WASHINGTON

PETER GOLDMARK, as Chief
Executive Officer of the Department
of Natural Resources and
Commissioner of Public Lands,

Petitioner,

v.

ROBERT M. McKENNA, Attorney
General,

Respondent.

NOTICE OF SUPPLEMENTAL
AUTHORITY

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
10 OCT -5 PM 2:53
BY RONALD R. CARPENTER
CLERK

Amicus Curiae Public Utility District No. 1 of Okanogan County
("PUD"), pursuant to RAP 10.8, hereby gives notice of the following
supplemental authority concerning its *Amicus Curiae* Brief (Corrected),
filed with the Court on October 1, 2010:

Commissioner's Ruling – Case No. 29121-9-III Consolidated with
Case No. 29123-5-III in *Public Utility Dist. No. 1 of Okanogan County v.*
State of Washington et al. (Oct. 1, 2010), a copy of which is attached.

The PUD offers this authority to update the procedural posture in
the condemnation matter underlying this original action against a state
officer.

ORIGINAL

RESPECTFULLY SUBMITTED this 5th day of October, 2010.

FOSTER PEPPER PLLC



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*Attorneys for Amicus Curiae
Public Utility District No. 1 of
Okanogan County*

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The Court of Appeals
of the
State of Washington
Division III

FILED

OCT - 1 2010

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON

PUBLIC UTILITY DISTRICT NO. 1 OF)
OKANOGAN COUNTY, a municipal)
corporation,)

Respondent/Cross-Appellant,)

v.)

STATE OF WASHINGTON, PETER)
GOLDMARK, Commissioner of Public)
Lands,)

Respondent/Cross-Appellant,)

and)

CONSERVATION NORTHWEST, a non-)
profit corporation,)

Appellant,)

and)

CRISTINE DAVIS, a single person,)
TREVOR KELPMAN, a single person,)
DAN GEBBERS and REBA GEBBERS,)

COMMISSIONER'S RULING
NO. 29121-9-III
CONSOLIDATED WITH
29123-5-III

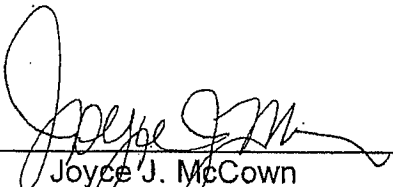
husband and wife, and WILLIAM C.)
WEAVER, custodian for Christopher C.)
Weaver, a minor,)
)
Respondents.)

Having considered this Court's motion to dismiss for untimely filing Okanogan PUD's Notice of Appeal (Cause No. 29123-5-III), Okanogan PUD's memorandum in opposition of the Court's motion, Okanogan PUD's "Motion to Consolidate Cases and Accelerate Briefing Schedule and Review," Conservation Northwest's response and "Cross Motion to Stay Appeal and to Strike Portion of PUD's Motion," Declaration of David S. Mann, the State of Washington and Peter Goldmark, Commissioner of Public Lands' "Motion to Suspend Review Schedule and Response to PUD's Motion to Consolidate and Accelerate Schedule," Okanogan PUD's "Notice of Supplemental Authority," Okanogan PUD's response to the State's motion to suspend the review schedule and to Conservation Northwest's motion to stay the appeal and to strike, Conservation Northwest's reply, the file, record, and oral argument of counsel, and since there is no objection to the motion to consolidate it is hereby granted, and it having been granted, the Court's motion to dismiss for untimely filing is moot and therefore denied; the motion to stay this appeal is granted and this matter will be stayed until all proceedings in *Goldmark v. McKenna*, Washington State Supreme Court Cause No. 84704-5 are completed as the issue presented in that case directly impacts whether the State of Washington will participate in the instant case; Conservation Northwest's

No. 29121-9-III

motion to strike is denied; and finally, the caption of this case is changed to reflect the alignment of the parties at this point in time. See RAP 3.4.

October 1, 2010.



Joyce J. McCown
COMMISSIONER

No. 84704-5

SUPREME COURT OF THE STATE OF WASHINGTON

PETER GOLDMARK, as Chief
Executive Officer of the Department
of Natural Resources and
Commissioner of Public Lands,

Petitioner,

v.

ROBERT M. McKENNA, Attorney
General,

Respondent.

DECLARATION OF SERVICE

CLERK

BY RONALD R. CARPENTER

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SUPREME COURT
STATE OF WASHINGTON

The undersigned declares that on October 5, 2010, I caused to be served:

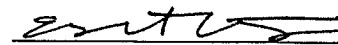
1. Notice of Supplemental Authority; and this
2. Declaration of Service as follows:

David Alan Bricklin Bricklin & Newman, LLP 1001 4th Ave Ste 3303 Seattle WA 98154-1167 work: 206-264-8600 fax: 206-264-9300 email: bricklin@bnd-law.com	<input type="checkbox"/> via hand delivery <input checked="" type="checkbox"/> via first class mail, postage prepaid <input type="checkbox"/> via facsimile <input checked="" type="checkbox"/> via e-mail <input type="checkbox"/> via FedEx
Robert M. McKenna Attorney General's Office PO Box 40100 Olympia WA 98504-0100 work: 360-753-6200 fax: 360-664-0228 email: rob.mckenna@atg.wa.gov	<input type="checkbox"/> via hand delivery <input checked="" type="checkbox"/> via first class mail, postage prepaid <input type="checkbox"/> via facsimile <input checked="" type="checkbox"/> via e-mail <input type="checkbox"/> via FedEx

Maureen A. Hart Solicitor General 1125 Washington St SE PO Box 40100 Olympia WA 98504-0100 work: 360-753-2536 Email: marnieh@atg.wa.gov	<input type="checkbox"/> via hand delivery <input checked="" type="checkbox"/> via first class mail, postage prepaid <input type="checkbox"/> via facsimile <input checked="" type="checkbox"/> via e-mail <input type="checkbox"/> via FedEx
Alan D. Copsey Deputy Solicitor General PO Box 40100 Olympia WA 98504-0100 work: 360-664-9018 fax: 360-664-2963 email: alanc@atg.wa.gov	<input type="checkbox"/> via hand delivery <input checked="" type="checkbox"/> via first class mail, postage prepaid <input type="checkbox"/> via facsimile <input checked="" type="checkbox"/> via e-mail <input type="checkbox"/> via FedEx

I declare under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Executed in Seattle, Washington this 5th day of October, 2010.


Elizabeth Whitney

OFFICE RECEPTIONIST, CLERK

To: Elizabeth Whitney
Cc: Adrian Urquhart Winder; Stephen DiJulio; Mike Schechter; bricklin@bnd-law.com; rob.mckenna@atg.wa.gov; marnieh@atg.wa.gov; alanc@atg.wa.gov; mickh@okpud.org; mhowe@ncidata.com
Subject: RE: Supreme Court No. 84704-5 - Peter Goldmark v. Robert McKenna

Rec. 10-5-10

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Elizabeth Whitney [mailto:WhitE@foster.com]
Sent: Tuesday, October 05, 2010 2:53 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Adrian Urquhart Winder; Stephen DiJulio; Mike Schechter; bricklin@bnd-law.com; rob.mckenna@atg.wa.gov; marnieh@atg.wa.gov; alanc@atg.wa.gov; mickh@okpud.org; mhowe@ncidata.com
Subject: Supreme Court No. 84704-5 - Peter Goldmark v. Robert McKenna

Dear Deputy Clerk of the Court:

Please find attached to file with the court the following Notice of Supplemental Authority; and Declaration of Service.

- Peter Goldmark v. Robert McKenna
- Supreme Court of the State of Washington, Case No. 84704-5
- P. Stephen DiJulio, (206) 447-8971, WSBA #7139, dijup@foster.com; Michael S. Schechter, (206) 447-4669, WSBA #35602, schmi@foster.com; and Adrian U. Winder, (206) 447-8972, WSBA #38071, winda@foster.com

Thank you.

Elizabeth A. Whitney, Legal Assistant
Foster Pepper PLLC
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Seattle, WA 98101-3299
Phone: 206.447.5939
Fax: 206.447.9700
www.foster.com

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